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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

JUL 11 2006

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# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number  
10/600,446

Filing Date  
20 June 2003

First Named Inventor  
Jiang

Art Unit  
1617

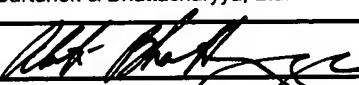
Examiner Name  
Kantamneni

Attorney Docket Number

4

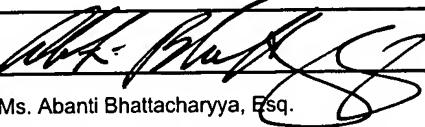
ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):  <input type="checkbox"/> Response to Restriction Requirement  <input type="checkbox"/> Return Receipt Postcard
<div style="border: 1px solid black; padding: 2px;">Remarks</div>		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Bartunek & Bhattacharyya, Ltd.		
Signature			
Printed name	Ms. Abanti Bhattacharyya, Esq.		
Date	11 July 2006	Reg. No.	36,681

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Ms. Abanti Bhattacharyya, Esq.	Date	11 July 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including the gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Examiner: Shobha Kantamneni

Suping Jiang, et al.

Group Art Unit: 1617

Serial No.: 10/600,446

Filing Date: June 20, 2003

For: ANTIMALARIAL ACTIVITIES AND THERAPEUTIC PROPERTIES OF  
FEBRIFUGINE ANALOGUES

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**RESPONSE TO RESTRICTION REQUIREMENT**

Honorable Commissioner Of Patents and Trademarks  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Examiner's restriction requirement of the Office Action, dated June 14, 2006, Applicants elect Group I [claim 1 (in part), 2-11, and 27-31] with traverse. The Applicants retain their right to file a divisional on the non-elected claims. However, the Applicants respectfully request that the restriction requirement be withdrawn and all pending claims be examined on their merits, for the reasons given below.

Applicants respectfully disagree that the claims as grouped by the Examiner are patentably distinct from one another and subsequently an undue burden for the purposes of conducting a search and subsequent examination. *See Examiner's Action* at page 3. Applicants are aware of the U.S. classification system, and are aware that each of the cited derivatives is distinctly classified. However, the claims of the present invention are not directed to separate and distinct compounds. Rather, all of the claims are directed to

a method of treating protozoan infections with febrifugine and its named derivatives. Unless the Examiner is resorting to hand searching, an electronic search would have to be approached from the standpoint of the method of treatment. Any other search strategy would be ineffective. Thus, the Examiner's assertion that a search would involve an individual search of each and every derivative is inaccurate and the Examiner's position, that the claims are patentably distinct, is without merit.

Applicants must also respectfully point out that the Examiner is in error with respect to her position regarding the recitation of therapeutic methods and therapeutic preparations. *See Examiner's Action*, June 14, 2006, page 4, lines 4-5. No therapeutic preparations are recited in the present claims.

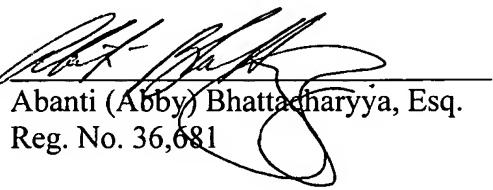
Finally, the Examiner asserts that an undue burden would be placed upon the office because both patent and non-patent literature will have to be searched. *See id* at line 10. Historically, this area of technology is predominantly non-patent literature based, as exemplified by the plethora of publications in this present application and the citations in prior-art patents. Applicants are also aware that examination of applications in this area of technology routinely includes searches of the USPTO patent databases and commercial publication databases. Limiting a search to patent based documents would be incomplete. Therefore, the Applicants find the Examiner's position without merit.

This response is timely filed and no additional fees are required. However, the Commissioner is authorized to charge any fees, credit any overpayments and charge any additional fee(s) or any underpayment of fee(s) to Deposit Account Number 210380, as relevant to the filing of this response.

Please direct any written communication to Ms. Elizabeth Arwine, Esq.; Staff Judge Advocate Office; Department of the Army; U.S. Army Medical Research and Materiel Command; 504 Scott Street; Fort Detrick, Maryland 21702-5012. Please direct all telephonic communications to Ms. Abby Bhattacharyya, Esq. at (410) 964-9553

Sincerely,

July 11, 2006  
Date

  
Abanti (Abby) Bhattacharyya, Esq.  
Reg. No. 36,681